

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

NICHOLAS J. McGRATH,
Plaintiff,

v.

CONSOLIDATED RAIL CORPORATION
and CSX TRANSPORTATION, INC.,
Defendants.

CIVIL ACTION
NO.: 05-30048-MAP

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

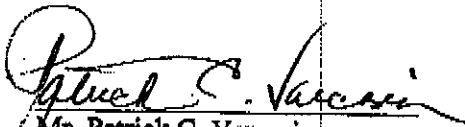
This is to certify that the defendants, Consolidated Rail Corporation ("Conrail") and CSX Transportation, Inc. ("CSX"), and their counsel, FLYNN & ASSOCIATES, P.C., have conferred to establish a budget for the full litigation of the above-captioned matter, as well as a budget for various alternatives.

Conrail, CSX and FLYNN & ASSOCIATES, P.C. have further discussed the resolution of the litigation through the use of Alternative Dispute Resolution programs and need to develop further information before deciding whether the case is appropriate for settlement, ADR, or full litigation.

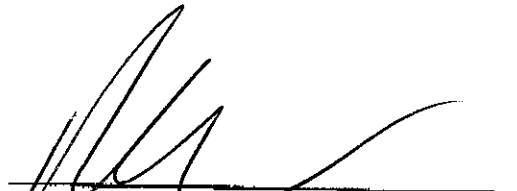
On behalf of defendants,
Consolidated Rail Corporation and
CSX Transportation, Inc.

Respectfully submitted,

The defendants,
Consolidated Rail Corporation and
CSX Transportation, Inc.
By its attorneys,



Mr. Patrick C. Varcasia
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DATE: May 13, 2005

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